

THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

IN RE:)
)
DONALD KEITH JOHNSON) Case No: 11-44920-drd13
NANCY ELIZABETH CHAMBERS)
)
Debtors.)

RESPONSE TO TRUSTEE'S
MOTION TO DENY CONFIRMATION

COME NOW the Debtors, DONALD KEITH JOHNSON and NANCY ELIZABETH CHAMBERS, by and through their attorney of record, Lorinda D. Walters, and for their Response to the Trustee's Motion to Deny Confirmation, state as follows:

1. The Debtors filed their Chapter 13 petition and Chapter 13 Plan and Plan Summary on October 21, 2011.
2. On November 9, 2011, the Trustee filed a Motion to Deny Confirmation of Plan, stating a number of issues with the Debtors' plan.
3. Item 1: The Debtors have already provided the Trustee with their most recent tax returns.
4. Item 2a: Debtor Nancy Chambers' bonus of \$4,200.91 was received on March 19, 2011, prior to the beginning of the six-month period prior to the filing date of the bankruptcy, and thus, the bonus was not included in the Form B22C or Schedule I. According to the Debtors' calculations, the six-month period prior to filing began April 1, 2011.
5. Item 2b: Evelyn A. Petta, Debtor Nancy Chambers' sister, resides with Debtors and has done so for almost three years. Ms. Petta is disabled, suffers from post traumatic stress disorder, anxiety and depression, and came to live with Debtors when she broke her ankle. Debtors must provide for her each month the following expenses, which she cannot provide for

herself: Food: 200; clothes: 50; co-pays (on sister's medications of Xanax, Adderall, Synthroid, etc.): 75; gas: 50; entertainment: 25 = \$400.00 per month.

6. Item 2c(i): Because the income was computed on the B22C as a six-month average and is higher than Schedule I, the taxes were also computed on a six-month average. Thus, the discrepancy between Schedule I and the B22C. With higher wages, the Debtors are paying higher taxes, and B22C should reflect this fact.

7. Item 2c(ii): The Debtors have cable/internet as one package through Time Warner Cable, for \$92.95 per month. The Time Warner monthly bill lists this package as follows: "Double Play Digital ... \$92.95, including Digital Cable with DVR and Road Runner 7 Mbps." Since Time Warner Cable does not split out the separate amounts for each service, Debtors' attorney divided the total amount by 2 and arrived at \$47.98. (This figure should actually be \$46.48). (Copies of Time Warner Cable bill available upon request.)

8. Item 2d: Debtors' attorney will need to discuss this Item with the Trustee's office before the plan can be amended.

WHEREFORE, the Debtors, DONALD KEITH JOHNSON and NANCY ELIZABETH CHAMBERS, by and through their attorney of record, Lorinda D. Walters, having fully answered the Trustee's Motion to Deny Confirmation of Plan, move the Court to deny said Motion.

WALTERS LEGAL SERVICES

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